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Ontario

Certification of Title under the *Certification of Titles Act* and First Registration under the *Land Titles Act*

Client Guide
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Ministry of Consumer and Commercial Relations
Registration Division
Title and Survey Services Office

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TABLE OF CONTENTS

INTRODUCTION 1
Why Make an Application? 1
1. GETTING STARTED 2
Draft Reference Plan 3
Abstracts of Title 3
Abstract of Title for Subject Lands 3
Abstract of Title for Appurtenant Easements 6
Abstract of Title for Adjoining Lands 6
Sheriff's Execution Certificate 7
The Meeting 7
2. THE APPLICATION 10
Who Can Make an Application 11
3. CERTIFICATES AND AFFIDAVITS 12
4. THE NOTICE OF APPLICATION 13
Contents of Notice of Application 13
5. SERVING NOTICE 14
Who to Serve 14
Method of Service of Notice 16
Consent and Waiver of Notice 17
6. RESOLVING OBJECTIONS 18
7. COMPLETION OF APPLICATION 19
Request to grant the application 19
Certificate of Solicitor - Form 7 20
Certificate of Title - Form 8 21
Draft Parcel & Land Registrar's Certificate 21
8. REGISTRATION 21
Unresolved Objections 22
Hearings 22
Abandoned Applications 22
APPENDIX A - ENCUMBRANCES 23
APPENDIX B - DEFECTS 24
APPENDIX C - CERTIFICATE OF TITLE 25
APPENDIX D - TITLE TREE 29
APPENDIX E - FORMS 30
APPENDIX F - ABSTRACT FORMAT 48
QUESTIONS AND ANSWERS 49
INQUIRIES 53

INTRODUCTION

Why Make an Application?

Landowners who wish to do the following would use these procedures:

- move their title from the *Registry Act* to the *Land Titles Act*, where available, giving it statutory guarantees from the Ontario Government or have the title certified under the *Certification of Titles Act*;
- resolve a title dispute;
- perfect a matured possessory interest into a certified title, ownership or right to use land, such as rights of way or other easements; or
- register a plan of subdivision or condominium.

Legislation requires that new Subdivisions and Condominiums must be registered under the *Land Titles Act (LTA)* where it is available. The Director of Land Registration, pursuant to the *Land Registration Reform Act*, has directed that it must be with an absolute title. Where the *Land Titles Act* is not available, the title of the owner must be certified under the *Certification of Titles Act (CTA)*. at is the Final Product?

The result of the application for first registration under the *Land Titles Act* is a Certificate of First Registration and the creation of a Parcel which:

- certifies the applicant as owner;
- describes the land and all servient and appurtenant interests and rights;
- lists chronologically the encumbrances attached to the land;
- provides an **ongoing assurance of title.**

An application under the *Certification of Titles Act* results in a Certificate of Title which as of the **effective date shown on the certificate,**

- certifies the applicant as owner, as of that time and date only;
- describes the land and all servient and appurtenant interests which are certified;
- lists chronologically the encumbrances attached to the land;
- lands remain registered under the *Registry Act* with **no continuing title assurance.**

Note: For the purposes of registering a subdivision or condominium, a Certificate of Title under the *Certification of Titles Act* is valid for ten years less a day or until there are substantial changes to title.

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Eight Steps to Making an Application

1. Getting started - necessary preliminary tasks.
2. The application.
3. Certificates and Affidavits.
4. The Notice of Application.
5. Serving Notice
6. Resolving Objections
7. Completion of Application.
8. Registration

Note: Forms referred to in this Guide are those set out in Regulation 690, R.R.O. 1990 as amended by O. Reg. 515/93 under the *Land Titles Act* and O. Reg. 514/93 under the *Certification of Titles Act*, unless otherwise stated. Forms under both Acts serve the same purpose. (i.e. **Form 1** is the Application under both Acts, therefore reference is only to the Form number and not to the Act.) All forms must be completed exactly as set out in those regulations, subject only to minor amendments required to accurately reflect the title claimed. See Appendix F for samples of the forms.

1. GETTING STARTED

In preparation for an application for first registration under the *Land Titles Act* or for a Certificate of Title under the *Certification of Titles Act*, it is necessary to acquire the following material, which will aid in assessing the quality of the applicant's title:

- Draft Reference Plan
- Abstract of Title of the applicant's land prepared by their solicitor
- Abstract of Title for any easements, rights of way or other rights appurtenant to the applicant's lands
- Abstract of Title for the adjoining lands
- Sheriff's Execution Certificate for the applicant and all previous owners of the lands under application, as established by the search of title.

After assembling the above information a meeting between the applicant, solicitor and surveyor should be held to assess the findings and decide on a course of action.

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Draft Reference Plan

A draft Reference Plan must be prepared by an Ontario Land Surveyor. The plan must **illustrate only** the subject land of the applicant together with any servient or appurtenant easements and rights of way, which must be illustrated as separate parts on the plan.

Lands proposed for assembly, but not yet transferred to the developer, require a separate application and plan for **each parcel of land under different ownership.**

The plan must be current as of the signing date of the application and be prepared according to the applicable statutes and regulations. The plan must illustrate the subject land and the existence of any and all apparent interests in the subject land and all information necessary to give the adjoining owners constructive notice. Any features which adjoining owners could reasonably be expected to be familiar with should be shown with suitable ties to the boundaries. This will give those who are required to receive notice a visible reference with which to evaluate the application and plan.

The **Surveyor's Certificate** on the draft Reference Plan must **be signed and dated** before being used for any part of this process.

Abstracts of Title

The Abstract of Title, in the format set out in Appendix F, must be prepared by a solicitor and:

- include reference to and a copy of the Crown Patent
- have a proper root of title completely abstract all documents
- be illustrated by a title tree (see Appendix D for an example).

Abstract of Title for Subject Lands

The Abstract of Title for the subject lands, which includes any land to which title or right is claimed by possession or use, must be typed on one side of a page, and must be illustrated on a typed title tree. The **creating document** of any servient interest must be included, together with any encumbrances to which the servient interest was, at the time of creation and continues to be, subject.

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- Where there are multiple chains of title, it is helpful if each chain is abstracted separately and colour coded on a print of the plan, in order to illustrate the lands in each chain
- If any land was formerly owned by a railway (within the 40 year search period) and the current owner is not a railway, a search should be made at the Registrar's Office, Registration Section, Industry Canada, 365 Laurier Ave., 10th Floor Jean Edmunds Tower, South Ottawa, Ontario, K1A 0C8 for any interests under subsection 44(12) of the *Land Titles Act*. If a search is not undertaken the applicant's title will be made subject to subsection 44(12).

All entries in the Abstract of Title must be in chronological order by their number, date and time of registration, and must:

1. Begin with, and show all the particulars and the reservations of, the Crown grant. Any particular exceptions in the crown grant should be noted in Certificate of Solicitor **Form 5,** as well as in the Abstract of Title. **Unpatented land cannot be certified/registered**. A required copy of the original grant from the Crown may, as of November 1999, be obtained as follows:

    - If the grant from the Crown has been registered in the land registry office, a copy may be purchased from the land registry office.

    - For an unregistered grant from the Crown, issued by the Province of Ontario, a copy can be purchased from the **Ministry of Natural Resources, Land and Natural Heritage Branch, Land Management Section, Crown Land Registry, 300 Water St., P.O. Box 7000, PETERBOROUGH, Ontario, K9J 8M5.** Contact Jennifer Bristowe at 705-755-2193 or Fax 705-755-2181.

    - For land patented by the Government of Canada or if lands originated by way of an Indian Lands grant, a copy of it can be purchased from **Indian and Northern Affairs, Room 1867, 10 Wellington St., HULL, Quebec K1A OH4.** Contact Lynn Belanger at 819-997-8131, Shelley Pace at 819-994-3666 or Fax 819-997-6882.

2. Show a good root and chain of title according to Part III of the *Registry Act.* Where an instrument that is a good root of title (e.g. a Crown grant, tax deed, expropriation of land or Certificate under the *Certification of Titles Act, Part I)* comes within the 40 year period referred to in Part III, the chain of title may commence with that instrument. If in doubt, consult the Land Registrar or the appropriate Regional Surveyor.

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In abstracting any servient interests to which the title is subject, the **creating document** must be included. Also include all encumbrances that the servient interest was, and is still subject to, and note any encumbrances that are not subject to the those rights. The abstract must reflect the title at the time of registration of the application of either the first registration under the *Land Titles Act* or the *Certification of Titles Act* certificate. If the search and abstract is done well before the submission, a subsearch for any changes in the state of the title and adjoining interests, up to the application signing, must be done.

3. The format for the Abstract of Title is set out in Appendix F. (formerly Form 3 of Reg. 995, R.R.O 1990 under the Registry Act.) It must contain the following information for each instrument registered or document deposited:

- The registration or deposit number of the instrument.
- The nature of the instrument.
- The date of registration or deposit.
- A full description of parties named their tenure and relationships.
- A full description of the land, taken from the instrument, including any easement, right of way or right that is appurtenant to or to which the land is subject, or refer to an identical description previously set out in full. **Note**: A photocopy of descriptions in registered documents is acceptable.
- Particulars of any encumbrance that affects the applicant's title (See Appendix A).
- Particulars of any claim, interest, defect or omission that may adversely affect the applicant's title (See Appendix B).
- Name and address for service of all parties who have the benefit of rights of way, easements or rights over the subject land.
- Explain why, in your opinion, any instrument listed no longer applies.

The chain of title must be illustrated on a typed title tree with the grantees names in full, as in the grants, the registration number and date and illustrate how they connect. Separate title trees must be prepared for appurtenant easements or rights of way (See Appendix D).

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Abstract of Title for Appurtenant Easement

A separate abstract is required for appurtenant easements or rights of way; again using the format set out in Appendix F. If the creating document is within the 40-year search period, the abstract should start where it can be shown that the grantor in the **creating document** had a good title and the right to grant the easement or right of way. If the document is outside the 40-year period and remains active in accordance with Part III of the *Registry Act*, start the abstract at it. The right must have been legally created, not released or abandoned in the intervening time and not expired or extinguished by the action of law. Any encumbrances to which the easement is subject must be shown and a separate typed title tree is required for the easement lands. (See Appendix D).

Abstract of Title for Adjoining Lands

A full 40-year Abstract of Title for adjoining land is not required. This Abstract, in the format set out in Appendix F, must only show the current owners and any mortgagee/chargee in possession of adjoining lands, including those that adjoin at a point. Adjoining streets, lanes or other public highways and lands covered by water (i.e., rivers, streams, lakes, canals, etc.) must be included. For each party that is an owner or any mortgagee/chargee, who according to registry office records, is in possession and any owner of a registered right of way or other easement that adjoins the lands under application, the following is required:

1. The name and address for service in the registered instruments;

2. The registration particulars of the instrument by which the interest in the adjoining land is established;

3. A full description of the lands, taken from the instrument which establishes the interest. **Note**: Photocopying instruments is acceptable.

- While collecting this information, an Ownership Plan should be prepared on a print of the draft Reference Plan. Note the names and addresses of those parties/agencies/corporations to whom notice will be served, while checking the location and extent of their ownership/interest. This is required with the final submission and is an excellent check to ensure that sufficient information has been obtained to effect service on **all** required parties.

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Sheriff's Execution Certificate

A Sheriff§s Execution Certificate is required with respect to writs of execution against the applicant and **all** previous owners appearing on the Abstract of Title for the subject lands. Any outstanding writs of execution must be listed in the Certificate of Solicitor (see Certificates and Affidavits) and on the draft parcel register or in Schedule "C" of the draft CTA Certificate. Title will be made subject to any writs of execution filed against any party during their period of ownership unless released, discharged or satisfactorily dealt with as follows:

1. If the name of the judgement debtor is similar or identical to an owner within the search period and the writ is for less than $50,000, an affidavit may be made by that registered owner or their solicitor stating that they are not the party named in the writ. See Land Titles Act Bulletin 98003. This affidavit must be deposited on title.
2. If the amount of the writ is more than $50,000, and the name of the judgement debtor is similar or identical to the party on title, one of the following is required to be deposited on title:

    - a statement, made by the solicitor for the party on title, unequivocally stating that their client is not the same party named in the writ; **or**

    - a written acknowledgement by the judgement creditor or their solicitor, that the party on title is not the same party named in the writ.

      See Land Titles Act Bulletin 98003.

A judgement creditor may also release the writ of execution from a specific property even though a registered owner is the judgement debtor. A release must be obtained and deposited on title.

The Meeting

At this point, it is advisable to have a meeting of the applicant, the solicitor and the surveyor to analyse the findings. Issues that should be discussed and resolved at this meeting are:

- Quality of the applicant's title, how good is it?
- Defects in title, can they be resolved?
- Appurtenant and servient interests, have they been identified and properly illustrated?
- Mortgages/charges or other encumbrances, what is their status?

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- Roads and navigable waters, are they an issue?
- Encroachments and/or possessory interests, have any been identified?
- Method of notification, which is to be used?

Quality of Title

Upon analysis of the material and consultation between the solicitor, surveyor and applicant, a decision must be made to either:

- base the application solely upon the registered paper title; **or**
- base it partly upon registered paper title and partly upon a matured claim for a possessory title.

If part of the title claimed is by adverse possession (or right of way/easement by prescription) the plan will require separate parts to define the adversely possessed land or interest. It is also necessary for the applicant to:

- Provide a bond or a covenant to indemnify the Land Titles Assurance Fund (**Form 53 or 54**, of Reg. 690, R.R.O. 1990) under the *Land Titles Act*, as applicable, and

- Deposit a declaration or declarations of possession to establish 20-years adverse possession (pursuant to section 37 of the *Limitations Act RSO 1990*) or 10-years adverse possession along with proof of no disability with respect to the party being dispossessed. ('disability' is as set out in section 36 of the *Limitations Act*)

Defects in Title

Any defects in title should be identified, discussed with the applicant and appropriate steps taken to remedy them. This may require registration of documents, declarations or orders, etc. Unresolved defects need to be itemized in the Solicitor's Certificate. If they do not substantially effect title, the application could be completed by making the guaranteed title subject to them.

Appurtenant and Servient Interests

Any appurtenant and servient interests such as easements (the term easement includes rights of way) must be illustrated on the draft Reference Plan. If only part

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of the subject land has the benefit of a particular appurtenant easement (the dominant tenement is not the whole parcel) the benefiting land must be shown as a separate part on the plan to properly define it in the parcel or certificate. This also must be done when encumbrances to which the easement is still subject affect only part of the subject land.

Mortgages and Encumbrances

If only part of the land is subject to a mortgage/charge or other encumbrance, those lands must be illustrated as a separate part on the draft Reference Plan or have been established on previously recorded plans so that they may be properly defined on the proposed parcel or certificate.

If the property is subject to an unregistered lease or an agreement for a lease, it must be noted in the Affidavit of Applicant **Form 4** after the word "except" in paragraph 3 and a statement included showing:

(i) that the term of the lease does not exceed seven years with less an three years remaining and there is actual occupation under it; or
(ii) that the term of the lease does not exceed seven years with more than three years remaining and there is actual occupation under it.

If statement (ii) is applicable, the land titles parcel register will bear a note indicating that an unregistered lease existed at the time of first registration.

Under the *Registry Act*, a lease for more than 7 years must have been registered to have any protection.

Roads and Navigable Waters

Generally, roads, "forced" or "given", and navigable waters (unless specifically granted in the crown grant) lying within the applicant's lands must be properly illustrated on the draft Reference Plan and are usually excluded from the application.

Any former road(s) contained in the applicant's land must have been properly closed and conveyed to the applicant. The draft Reference Plan must have the closing bylaw, order or statutory reference for the road, as shown in the Abstract of Title.

Encroachments and/or Possessory Interests

The draft Reference Plan must illustrate any physical features (i.e. hydro lines) that may suggest a potential claimant exists. Any potential claimant must be served with

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a Notice of Application and be shown on the Ownership Plan (See Abstract of Title Section).

- Potential claimants of possessory or prescriptive rights are usually, but not always, the adjoining owners. For wharves and docks, trails, lanes, pathways and service or utility lines, **any** potential claimants must be identified and served with notice. **Adverse interests may not be extinguished if sufficient notice was not received by the potential claimant (Subsection 44(3) of the *Land Titles Act*).**

Method of Notification

Upon completion of the analysis, and after consultation between the applicant, solicitor and surveyor, any necessary amendments to, and updating of, the draft Reference Plan should be completed and the appropriate number of prints prepared for service of notice.

A decision now must be made as to the method of notification. Options for notification include the acquisition of consents and waiver of notice, personal service or service by registered mail.

If consents and waiver of notice is the choice and the draft Reference Plan has been finalized, they may be obtained after obtaining the registration number of the Application and inserting it in the consent forms.

*Note that the consents must (a) be in the prescribed **Form 3**, (b) have signature of subscribing witness endorsed thereon and (c) be attached to a print of the draft Reference Plan that must also be dated and signed or initialled by the consenting party.*

2. THE APPLICATION

The application **(Form 1)** can now be prepared. The description in it will also be used in the certificate and parcel. It should recite the geographic location of the land and be specifically described by reference to the PARTS on the draft Reference Plan. It must recite any appurtenant easements or rights of way that benefit the lands and any servient easements or rights of way that the land is subject to. These also must be described by reference to the appropriate PARTS created on the draft Reference Plan.

- **Do not recite verbatim the metes and bounds descriptions or describe the lands by reference to previously deposited Reference Plans.**

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The application in **Form 1** and print of the draft Reference Plan are attached to a Document General and registered in the land registry office, before the Notice of Application can be completed, registered or used for service.

Who Can Make an Application

Land Titles

Section 30 of the *Land Titles Act*, specifies the various parties who can make or authorize the making of an application for first registration under the Act. The registered owner of the land usually makes an application for first registration. Applications may also be made by a party whose claim to land is based on length of adverse possession or by a party capable of selling an estate in fee simple in land. In these instances, there may be additional documentation or consents required, such as the following:

- if the applicant is a purchaser, the vendor owner must consent to the application. A trustee, mortgagee or other person having a power of sale of the land may also authorize a purchaser to make an application. Transfer of the lands to the purchaser who applied must be completed prior to the lands going into the Land Titles system.

- if the applicant is a trustee, an Affidavit of Trustee and the consent of the parties, if any, whose consent is required to exercise the trust, must be provided.

- if a party having the power to sell the land applies to be registered as owner, the consent of the parties, if any, whose consent is required to the exercise by the applicant of the power of sale, must be provided.

- if the applicant is a partnership, a Partnership Affidavit is required.

- if a committee administers the lands, **Forms 1 & 4** are signed by the committee for the applicant. The final submission must include a registered copy of the court order appointing the committee, together with an affidavit stating that the court order is still in full force and effect and that the committee has the authority under the court order to make the application.

- if the application is by executors or administrators of a deceased registered owner's estate, the Will, Letters Probate or Letters of Administration must have been deposited. The final submission must include a copy of the deposited Will, etc.

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- if a mortgagee/chargee, having the power to sell applies to have a party owning the equity of redemption registered as owner, no additional affidavits or consents, etc. are required.

Certification of Titles

Applications for a Certificate under the *Certification of Titles Act* may only be made by the registered owner of land, a person claiming an estate in fee simple in land or a person whose claim to land is based on length of adverse possession. Such applications if made by a partnership, a committee or a person or corporation as the executor or administrator of the registered owner's estate would require the filing or registration of the appropriate documentation, as mentioned above.

The application **(Form 1)** must be suitably modified to clearly state which parts, if any are being claimed by adverse possession or use.

3. CERTIFICATES AND AFFIDAVITS

The documents to be prepared in support of the application are **Forms 4, 5 and 6.**

The affidavit of each applicant, with a print of the Draft Reference Plan marked as Exhibit A, must be in **Form 4**. If the applicant is a corporation, the affidavit must be sworn by an officer or a solicitor for the corporation, who has the authority to bind the corporation.

The Certificate of Solicitor must be in **Form 5.**

The Certificate of Surveyor must be in **Form 6**, accompanied by a signed print of the Draft Reference Plan that illustrates only the subject land and appurtenant interests.

- If any of the land under application is claimed by adverse possession or if appurtenant easements/rights of way are claimed by prescription or use, the Application **(Form 1)**, the Affidavit of Applicant **(Form 4)**, and the Certificate of the Solicitor **(Form 5)** must all be suitably modified to state clearly which parts are claimed based on possession, use or right. A covenant to indemnify the Land Titles Assurance Fund **(Form 54** Reg. 690, R.R.O. 1990) for filing with Director of Titles must accompany the submission. The Director of Titles might require a bond (Form 53 Reg. 690) in unusual circumstances.

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4. THE NOTICE OF APPLICATION

Contents of Notice of Application

The Notice, which must be served on all required parties, shall include:

- A copy of the registered Notice of Application in **Form 2,**
- A print of the draft Plan that was attached to the registered Application,
- An explanation of the application and instructions for obtaining further information or directions for filing an objection,
- A statement of claim form,
- For applications based on possession or use, an explanation to all affected parties, including all mortgagees/charges, outlining the nature of the claim and a "Statement of Facts", on which the applicant relies. (i.e. Declaration of Possession)

Sample formats of the above documents are available from the Land Registrar or the appropriate Regional Surveyor.

Note: The inclusion of these documents will eliminate many telephone enquiries from puzzled recipients.

The Notice of Application (**Form 2**) is now prepared and registered using the same description in the registered Application (**Form 1**). This description will also be used in the draft certificate and parcel. It should recite the geographic location of the land and specifically reference the **"PARTS on the draft Reference Plan attached to the application registered as instrument number "—""**. It must recite appurtenant easements or rights of way that benefit the lands and the servient easements or rights of way that the parcel is subject to. These must also be referenced to their specific PARTS on the draft plan.

- Do not recite verbatim the underlying metes and bounds descriptions or describe the lands by reference to previously deposited Reference Plans.
- If valid Consent and Waiver of Notice forms have been obtained from all required parties no date is required in the second paragraph regarding a time for filing statements of claim or objection.

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- If any of the land under application is claimed by adverse possession or use, remove the words "other than an interest protected by registration" from the second paragraph.

The completed Notice of Application in **Form 2**, is attached to a Document General and registered in the land registry office **before** service of notices to the required parties. It is not necessary to again attach a print of the draft Reference Plan that was attached to the Application. If the consent of all necessary parties has been obtained, Notice must still be registered but no service, expiry date or waiting time will be required prior to submitting the Application and required material to the Land Registrar for checking.

5. SERVING NOTICE

Who to Serve

Notice should only be served on the parties that have an ownership or vested title and/or an easement or other right in the either the subject or adjoining lands. These interests are those registered on title or created by statutory authority, which may not be recorded or referred to in registered documents. Unless a Consent and Waiver of Notice is obtained, a Notice of Application along with a signed print of the draft Reference Plan, must be served, by registered mail or personal service, upon the following parties:

- Every registered owner of a right or easement in the subject land.
- Every party who has deposited a declaration of possession affecting the title to the subject land, except any that have conveyed or otherwise assigned their interest to a present or previous registered owner.
- If any part of the applicant's claim of title is based on adverse possession or use serve every registered owner, any mortgagee/chargee and any other interested party of the subject land. This notice must be accompanied by a letter explaining the basis for the claim and including a "statement of facts" i.e. declaration of possession, on which the applicant relies.
- Every party who according to the draft plan could claim an encroachment or an unregistered easement or other right in or over the subject land. This means those parties whose buildings or other improvements encroach upon the subject land, or who are otherwise affected by such encroachments, must be served with a notice. Notices are usually served on these parties as adjoining owners.

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- If the adjoining owner is **not** a condominium property, every owner of the adjoining land, every mortgagee/chargee of adjoining land, who according to the records of the land registry office is **in possession** and every owner of a registered right of way or other easement that touches the limits of the subject land.

- If the adjoining land is a condominium property and a part of the common elements touch the limits of the subject land, serve the Condominium Corporation and every independent owner, other than condominium owners who have a registered right of way or other easement, over those adjoining parts of the common elements.

- If the adjoining land is a condominium property and an individual unit or units adjoin the subject land, serve the owner and any mortgagee/chargee who, according to the records of the land registry office, is **in possession** of those units and any owner of a registered right of way or other easement in the units.

- Every ministry, board, commission or agency of the Government of Ontario or Canada, including Ontario Hydro's successors and every municipality, including a metropolitan, regional and district municipality, or the County of Oxford, where applicable, if they have an unregistered interest in the adjoining land, **as indicated on the draft Reference Plan.**

Note: Ontario Hydro has been succeeded by several entities established under the *Electricity Act, 1998*, including Ontario Hydro Services Company Inc. and Ontario Power Generation Inc. If it is determined that Ontario Hydro, its predecessor or successor has an interest in the subject or adjoining lands notice is to be sent to **Ontario Hydro Networks Company, Law Division, 483 Bay St., 8th Floor, South Tower, Toronto, Ontario, M5G 2P5.**

- All levels of government (municipal, provincial or federal), boards, commissions or agencies (e.g., Hydro, regional conservation authority, Welland Canal Authority, St. Lawrence Seaway, Trent Canal Waterway System, etc.) must be notified **if they appear by the draft Reference Plan to have an interest**, even if their interest is not registered on title.

- It is the applicant's responsibility to determine which level of government (Federal, Provincial, Regional, County, City, Town or Township) has jurisdiction over any adjoining roads and ensure proper service of the notice. Similarly, for utility lines it must be determined if these lines belong to a local hydro or public utility commission, Bell Canada, one of Ontario Hydro's successors or the Niagara Power Corporation and the appropriate agency or owner must receive the notice.

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If navigable, or possibly navigable, waters adjoin or traverse the applicant's lands, notice must be served on **both** the Ministry of Natural Resources and the Canada Coast Guard. If the navigable water is a harbour, notice should also be served on the particular agency having jurisdiction over the harbour, (e.g. Fisheries and Oceans Canada, Transport Canada or a local harbour commission). If the adjoining land is Crown Land, it must be determined which agency of the Crown has jurisdiction. Notices for the Ministry of Natural Resources are sent in **duplicate** to the **Office of the Surveyor-General, 2nd Floor, P.O. Box 7000, 300 Water St., PETERBOROUGH, On, K9J 8M5; Attention: Jim MacIntosh, OLS.**

NOTE: Notices should not be routinely served on government agencies that have no indicated interest in the subject or adjoining lands.

- For an Application for First Registration under the *Land Titles Act*, every person who has registered a caution before first registration under subsection 43(1) of that Act.

- Any other parties whom the Land Registrar or the Director of Land Registration directs be served.

It is possible that the interests of a party may fall into more than one of the above mentioned categories. In such cases, only one notice is necessary. Similarly, serving the applicant with a notice is not necessary.

If there is any doubt as to the parties to be served etc., the applicant should consult with the Land Registrar or the appropriate Regional Surveyor **before** proceeding. Take care to ensure that all interested parties, i.e. government ministries, agencies and municipalities, are served where easements, water boundaries, public highways and utility corridors are involved.

Method of Service of Notice

Service must be undertaken according to Section 42 of the *Land Titles Act* and Section 5 of the *Certification of Titles Act*. These provide that notice is sufficiently served if sent by registered mail and addressed to the owner, the mortgagee/chargee **in possession**, or other interested parties, at the address shown on the registered documents.

Where no such address has been furnished, the notice must be addressed to the solicitor whose name appears on the conveyance, mortgage/charge, or other document that created the interest. For any other parties required to be served, the notice should be sent to the address that, in the opinion of the solicitor, would be most likely to effect service.

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- If Notice of Change of Address has been registered on title for any party being served, the Notice of Application must be sent to the new address stated in the Change of Address rather than to the address provided in the original documents.

- Where no address is given, nor service effected at the address given, the appropriate alternative service would be one that is most likely to result in actual service of notice (Section 60 of Regulation 690). Two sources of information for service of notice are:
  1. The property tax assessment roll.
  2. Telephone listing; however, this may not be very effective for owners who do not live on the property or in the same community.

If several notices are returned by Canada Post, marked moved, a possibility exists that the search may be outdated. A subsearch of the affected properties is then necessary to determine if the parties to whom the notice was directed were in fact the registered owners (or mortgagees/chargees in possession) of the abutting lands.

- If no address is successful for service, the Director may require service by publication of the Notice. For further information contact the appropriate Regional Surveyor.

Although the notice specifies a 30-day period for filing a statement of claim, Section 6(1) of the *Certification of Titles Act*, permits the filing of a statement of claim any time before the registration of the Certificate of Title.

Consent and Waiver of Notice

The applicant may obtain a Consent and Waiver of Notice in **Form 3** from all owners, mortgagees/chargees in possession, of the adjoining lands and all other parties set out in subsection 3(3) of Regulation 515/93, under the *Land Titles Act* or subsection 3(3) of Ontario Regulation 514/93 under the *Certification of Titles Act*. **A copy of the Draft Reference Plan must be attached to the Consent and be signed and dated by the parties signing the consent.**

The Consent and Waiver of Notice becomes invalid if the draft Reference Plan attached to it is amended by changing any of the boundaries between the land in which the consenting party has an interest and the land under application, or if the draft Reference Plan is amended to add any right of way or other easement affecting land in which the consenting party has an interest.

Internal changes to the draft Reference Plan, other than to the stated limits of any right of way or other easement, will not normally affect the validity of the Consent and Waiver of Notice.

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If the applicant obtains a Consent and Waiver of Notice from all necessary parties, it eliminates the need to serve the Notice of Application and reduces the time required for the application to be processed.

Note: Notice of Application must always be registered, even if no service is necessary.

6. RESOLVING OBJECTIONS

If objections are received, they must be addressed prior to the application being completed. The applicant and/or their solicitor should attempt to resolve any objections directly with the objector. Amicable solutions to objections reached between the parties are preferable to a hearing before the Director of Titles and an imposed resolution. The usual types of objections fall into two categories:

- a difference of opinion between surveyors as to the true location of the boundary between titles; and

- a claim by an adjoining owner that a possessory interest has matured into a claim for title, a claim that a long period of use has matured into a prescriptive right or disputing the applicant's claim to lands that is based on possession or use.

In the first instance, if the surveyors, upon consultation and further examination of the evidence, cannot agree on the location of the boundary, an application under the *Boundaries Act* may be necessary to settle the issue before the application can proceed.

In the second instance, after examining evidence relied upon by the objector, the applicant might recognise and accept the claim and remove the disputed area from the application. This usually results in a withdrawal of the objection. For a prescriptive easement or right of way claimed by the objector, a satisfactory resolution could be registration of a formal grant or acknowledgement of the right and the lands made subject to that interest.

If the applicant considers the claim to be without merit, the claimant might abandon the claim if provided with sufficient evidence to refute it. Any withdrawal of an objection **must** be in writing. The preferred withdrawal is an executed Consent and Waiver form attached to an endorsed print of the draft plan, revised if appropriate. It could also be a letter of withdrawal from the objector or their solicitor. If **no** resolution between the parties is possible, the Director of Titles should be requested to hold a hearing. The hearing procedure is discussed later in this guide.

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7. COMPLETION OF APPLICATION

Request to grant the application

A request to the Land Registrar to grant the application will be comprised of the following:

1. A transmittal letter listing the items enclosed in support of the application and requesting that the Land Registrar complete the file. *This letter should draw the Land Registrar's attention to any outstanding defects, unresolved objections or possessory claims.*

2. The duplicate registered copy of the application in **Form 1** and a print of the draft Reference Plan that was attached to it and used for service, along with any required affidavits, as applicable.

3. The duplicate registered copy of the Notice of Application in **Form 2,** along with the Ownership Plan, duly annotated with the names and addresses of the parties requiring notice and proof of service on the parties, accompanying **Form 7**.

   NOTE: The Land Registrar or the Director of Titles may require re-service of notice, if an excessive period of time has elapsed between the original service and the submission of the application.

4. Affidavit of the Applicant, the Surveyor Certificate and the Solicitor Certificates being **Forms 4, 5, 6 and 7.**

5. Full Abstract of Title for the subject lands, including any land to which title or a right is claimed by possession or use, and land over which the applicant claims an appurtenant right of way or other easement along with the typed title tree(s).

6. Current owner **only** Abstracts for all adjoining land (even if it touches the subject lands only at a point) including streets, lanes or other public highways and lands covered by water (i.e., rivers, streams, lakes, etc.).

7. Three working prints of the current draft Reference Plan (signed and dated by the Ontario Land Surveyor) comprised of the subject land and appurtenant interests only.

8. Draft Certificate of First Registration in **Form 8** under the *Land Titles Act*, with a draft parcel or draft Certificate of Title in **Form 8** under the *Certification of Titles Act*, showing the encumbrances, claims, interests, defects and omissions to which the title is subject.

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9. Sheriff's Execution Certificate with respect to any writs of execution against all owners appearing on title for the application lands. *If there are outstanding executions, the draft Parcel Register, or Schedule C of the draft Certificate of Title, will be made subject to them.*

10. Additional material required to accompany the submission, as applicable:

- Where any part of the subject land or adjoining land is in a part of Ontario where titles are automated, copies of the automated parcels/PINs for the subject and adjoining land.

- Where any of the subject land has been divided into parcels for abstract purposes under clause 83(3)(b) of the *Registry Act* (i.e. Registrar's Compiled Plan), a statement of the new headings in the abstract index.

- Copies of all instruments by which title and interests are claimed by the applicant; and any instruments that **created** registered easements or any other such interests through the subject land.

- A print of every plan or sketch attached to or referred to in an instrument, which affects the subject lands, and every registered or deposited plan that shows the lands included in or adjoining the subject lands. This includes, but is not limited to, subdivision or reference plans, expropriation and highway plans, plans and sketches illustrating descriptions.

- A bond or a covenant to indemnify the Land Titles Assurance Fund in **Form 53** or **Form 54** of Regulation 690, R.R.O. 1990 under the *Land Titles Act*, as applicable, if the applicant is claiming title to, or an interest in land by possession or use, or is claiming title to be free of any interest that has not expired, or been formally discharged.

- Any other information or material relating to title or survey that will enable the Land Registrar to grant the application.

Certificate of Solicitor - Form 7

The Certificate of Solicitor in **Form 7** requires proof of service of the notice be attached. For service of notice by mail, this would be the original post office registration receipt. If the notice was given by personal service, an affidavit of service by the person who effected the service of notice is required.

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A marked print (Ownership Plan) of the draft Reference Plan with the names, addresses and interests of the parties served with the notice of application or who signed a Consent and Waiver of Notice must accompany this certificate.

Original Consent and Waiver of Notice in **Form 3**, with an endorsed copy of the draft Reference Plan attached, for parties not served with the Notice of the Application must be included with the Solicitor's Certificate in **Form 7**.

Notices returned undelivered by the Post Office, including the envelopes with the reason for non-delivery, must accompany the **Form 7**.

Original statements of claim or objection and all material accompanying them, that where received by the solicitor on behalf of the Land Registrar, along with any withdrawals of these claims must accompany **Form 7**.

Certificate of Title - Form 8

The draft Certificate of Title, including completed Schedules A, B and C for applications under the *Certification of Titles Act* must be submitted in **Form 8.** (See Appendix C for instructions and sample formats of the Schedules).

Draft Parcel & Land Registrar's Certificate

A draft parcel register or, in areas where there has been automation of the records, a draft PIN and draft Land Registrar's Certificate of First Registration in **Form 8** are required for applications under the *Land Titles Act*. **These should be drafted using samples from the Land Registry Office as precedents (consult the Land Registrar, if necessary).** Reference to all appurtenant and servient rights of way and/or other easements are set out in the description portion of the forms.

Note: For lands formerly (within the search period) owned by a railway, and the applicant is not a railway, the parcel must contain a notice of former railway ownership, **unless** the solicitor certifies that they have searched the records of the Registrar's Office, Registration Section, Industry Canada, in Ottawa, and that no interests under subsection 44(12) of the *Land Titles Act* exist.

8. REGISTRATION

Land Registry Office staff and when necessary the Regional Surveyor will review the material submitted with the request to grant the application. **Although staff will review the application a great reliance will be placed on the Certificates of the Solicitor and Surveyor in approving applications**. This procedure speeds up the

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process by recognising the ultimate responsibility of the professionals who prepared the submission.

The Land Registry Office staff will prepare any final requisitions based on the review of the material. When, in their opinion, the submission is complete, the staff will register the final Certificate of First Registration or the Certificate of Title.

Unresolved Objections

In instances where statements of claim or objections have been received and remain unresolved, the file is sent for review to the appropriate Regional Surveyor.

If the Regional Surveyor finds that because of the statements of claim or objections, the submission is still unacceptable, he or she will contact the parties and attempt to mediate. If successful and the claim or objection is withdrawn in writing, the file will be returned to the Land Registrar, and the application will proceed.

If any objection cannot be resolved, the Regional Surveyor will, upon the request of the applicant, arrange a hearing before the Director of Titles.

Hearings

As previously stated, the applicant or solicitor must attempt to resolve all objections. If a resolution is not possible, the Regional Surveyor can arrange a hearing upon request. The parties will be contacted regarding hearing dates and the solicitor for the applicant advised as to whom to serve with a Notice of Hearing.

At the hearing, the Director of Titles may determine that the plan is acceptable, order specific changes to the application or plan **or** may order that an entire new plan be prepared. Any new or amended plan that is ordered must then be separately approved in writing by the Director. After a hearing and order, the solicitor must certify that the appeal period has expired and that there are no outstanding appeals, before applying to the Director for approval of the plan. After approval of the plan by the Director of Titles, if necessary, the file will be returned to the Land Registrar and the application can then be completed.

Abandoned Applications

Section 10 of Regulation 515/93 and Section 9 of Regulation 514/93 allow the Land Registrar to consider an application abandoned, after 3 months of inactivity. This is based upon the applicant and/or their representative not making any effort to complete an application in a timely fashion and allows inactive Applications to be cleared from the abstract.

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APPENDIX A – ENCUMBRANCES

1. Mortgages/Charges and any assignments, amendments, extensions, postponements and partial discharges thereof.

2. Leases and assignments, extensions, partial surrenders and mortgages/charges thereof.

3. Construction Liens and Certificates of Action.

4. Restrictive Covenants.

5. Subdivision and Site Plan Control Agreements and amendments thereof.

6. Notice of Security Interests and assignments thereof.

7. Agreements of Purchase and Sale, Options to Purchase and notices thereof, if not expired (i.e. 1 year from last date of registration or renewal).

8. Airport Zoning Regulations and amendments thereof.

9. Writs of Execution against the owner or previous owners.

10. Certificates of Pending Litigation (Lis Pendens).

11. Notice of Claim under PART III of the Registry Act.

12. Notation of unregistered leases, if these are indicated in the affidavit of applicant or certificate of solicitor re: title to subject lands.

13. Notice of any other outstanding interest or claim.

14. By-laws deeming plans of subdivision not to be registered plans of subdivision for the purposes of the *Planning Act*; by-laws exempting plans of subdivision from part lot control; by-laws imposing building restrictions or land use; by-laws diverting, dedicating or assuming lands as public highways (if title is still in the name of the applicant).

Note: This listing of the types of encumbrances is representative only and is not to be considered as complete or exhaustive.

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APPENDIX B – DEFECTS

1. The absence of a required affidavit or consent, e.g., affidavits about subdivision and part lot control (*Planning Act* affidavit) or related consent, affidavits of execution, age or marital status.

2. The absence of a bar of dower where the death of the husband was before March 31,1978.

3. The absence of a consent under the *Family Law Reform Act/Family Law Act.*

4. Improper, or lack of execution of an instrument.

5. Any defects or omissions in a sale under a power of sale.

6. Absence of Succession Duty Consent, if owner died between January 1, 1970 and April 10, 1979.

7. Declaration of possession by third party, to part or all of applicant's lands and appurtenant rights, etc.

Note: It is emphasised that this list of claims, interests, defaults and omissions should not be considered as complete or exhaustive.

The solicitor **must** attempt to resolve any claim, interest, defect or omission before making the application, and assure the land registration system that none exist at the time the application is made. **If any of these cannot be resolved, the solicitor must give the particulars of all claims, interests, defects or omissions of which he or she has actual knowledge, if the solicitor believes the applicant's title may be adversely affected by such claims, interests, defects or omissions.**

The Solicitor's Certificate (**Form 5**) certifies that these particulars have been noted. The land registration system in approving the application will rely upon the Solicitor's Certificate.

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APPENDIX C - CERTIFICATE OF TITLE

Instructions for the completion of Form 8 under the *Certification of Titles Act*

NOTE: The prescribed form (**Form 8**) does not include Schedules A, B and C or an application number reference line that the Certificate of Title relates to. A reference line similar to the ones appearing in the other prescribed forms should be added below the words "(Issued under Section 9 of the Act)" in the form title.

1. Set out the name(s) of the applicant(s), the style and nature of the tenure, as set out in the title deed(s) and/or the application and notice of application.

2. Enter the effective time and date of the Certificate of Title, as specified in the Solicitor's Certificate, **Form 5.** The entry will usually read "at 5:00 o'clock in the afternoon of the" followed by the day, month and year set out in the Certificate of Solicitor. The applicant must ensure that the abstract of title and Sheriff's Execution Certificate are current and effective up to or beyond that time and date.

3. A brief description of the land being certified which must refer to the same Municipality, Lot, Block, Range, Concession or Plan, etc. as set out in the application. Do not refer to the PART(s) on the reference plan, rights of way, other easements or road closing by-laws, if any, in this brief description.

4. Enter the date on which the Certificate of Title is prepared.

When acceptable, the Land Registrar will sign the completed Certificate of Title. Ensure that the form identifies the Land Registrar as Deputy Director of Land Registration.

Although Schedules A, B and C have no prescribed format, samples are included below, with instructions for proper completion. Each Schedule should be prepared on a separate page.

SCHEDULE A

Re: Application registered as No. .....

LAND

In the ....., in the ....., being composed of .....

(set out full legal description of the land)

.....

The intention hereof being that the monuments shown on Reference Plan .....R-..... govern the limits of the herein described land, but such monuments do not change or alter the position of any previously established boundary.

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SCHEDULE B

Re: Application registered as No. .....

EXCEPTIONS, LIMITATIONS, QUALIFICATIONS AND RESTRICTIONS

1. The reservations, if any, contained in the original grant from the Crown.
2. Any right of expropriation, access or user or any other right conferred, reserved or vested by or under any Statute of Canada or Ontario.
3. Any provincial, municipal, or other taxes, charges, rates or assessments.
4. Any right under section 48 of the *Power Corporation Act*.
5. Any right of the spouse of the owner under Part II of the *Family Law Act*.
6. Any claim for lien created by the *Construction Lien Act*, where the time limited for registration had not then expired.
7. Any lease to which subsection 2 of section 70 of the *Registry Act* applies.
8. Any claim for lien under section 37 of the *Conveyancing and Law of Property Act*.
9. The absence of title of the ..... referred to in this Certificate as the owner(s) by reason of ..... fraud or forgery, or to which ..... privy, except in so far as ..... title is necessary to support the title of a purchaser in good faith for value who acquired title after the registration of this Certificate.

SCHEDULE C

Re: Application registered as No. .....

CONDITIONS, COVENANTS, RESTRICTIONS, CHARGES, MORTGAGES, LIENS AND OTHER ENCUMBRANCES:

SCHEDULE A

1. Enter the application number (i.e. the registration number of the application document).
2. Enter the description of the lands set out in the Notice of Application. If there has been a change to the extent of the lands under application or if a right-of-way or other easement has been acquired or released since registration of the notice of application and prior to the effective date of the Certificate of Title, enter the amended description of the lands being certified.

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a. Instead of identifying the lands as PART "on the attached print of a reference plan dated ....., signed by ....., Ontario Land Surveyor" as in the Notice, the words should read "on Reference Plan ...R-.....", since the draft Reference Plan will be deposited on title and assigned a number before registration of the certificate.

b. At the bottom of the page following the description set out the following note:

The intention hereof being that the monuments shown on Plan...R-..... govern the limits of the herein-described land, but such monuments do not change or alter the position of any previously established boundary.

NOTE: The Reference Plan number will be inserted prior to registration.

SCHEDULE B

1. Enter the application number (i.e. the registration number of the application document).

2. Select and list those items, from the list below, which apply to the specific application. When the list of applicable items is complete, ensure they are renumbered consecutively.

   Items 1, 2, 3, 6 and 9 must appear in every Certificate of Title.

   Item 4 is added if there is evidence on the reference plan of a power transmission line, whether overhead wires, poles or buried cables.

   Item 5 is added unless the applicant is a corporation or the applicants are joint tenants or otherwise exempt from spousal rights.

   Item 7 is added if there are unregistered leases for a term not exceeding seven years where the actual possession goes along with the lease.

   Item 8 is added if encroachments or improvements, which appear to be the property or work of an abutting owner, affect any part of the lands under application.

   Item 9, which always appears in Schedule B, requires the spaces to be filled in, so that the statement reads as relevant to the gender and number, etc. of the applicants. The following is the statement showing the options:

   The absence of the title of the [person/persons/corporation/corporations (or combinations thereof)] referred to in this Certificate as the [owner/owners] by reason of [his/her/its/their] fraud or forgery, or to which [he was/she was/it was/they were] privy, except in so far as [his/her/its/their] title is necessary to support the title of a purchaser in good faith for value who acquired title after the registration of this Certificate.

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ITEMS

1. The reservations, if any, contained in the original grant from the Crown.

2. Any right of expropriation, access or user or any other right conferred, reserved or vested by or under any Statute of Canada or Ontario.

3. Any provincial, municipal, or other taxes, charges, rates or assessments.

4. Any right under section 48 of the *Power Corporation Act*.

5. Any right of the spouse of the owner under Part II of the *Family Law Act*.

6. Any claim for lien created by the *Construction Lien Act*, where the time limited for registration had not then expired.

7. Any lease to which subsection 2 of section 70 of the *Registry Act* applies.

8. Any claim for lien under section 37 of the *Conveyancing and Law of Property Act*.

9. The absence of title of the ..... referred to in this Certificate as the owner(s) by reason of ..... fraud or forgery, or to which ..... privy, except in so far as ..... title is necessary to support the title of a purchaser in good faith for value who acquired title after the registration of this Certificate.

SCHEDULE C

1. Enter the application number (i.e. the registration number of the application document).

2. Set out all encumbrances (i.e. registered interests) which are registered against the title to the land or which are acknowledged, in a deposit, as affecting the lands being certified. **Do not** include reference to grants of rights of way or other easements here. They should already appear in SCHEDULE A. (Sample of encumbrances are listed in Appendix A)

Some encumbrances may affect only part of the lands being certified. In those cases, the lands affected should be identified by reference to the specific PARTS on the reference plan.

If rights of way or other easements in part of the lands being certified are granted as appurtenant to a mortgagee's or lessee's interest, reference to those rights of way or other easements will be made in the parcel, by means of a short description of the land affected by the mortgage or lease, etc.

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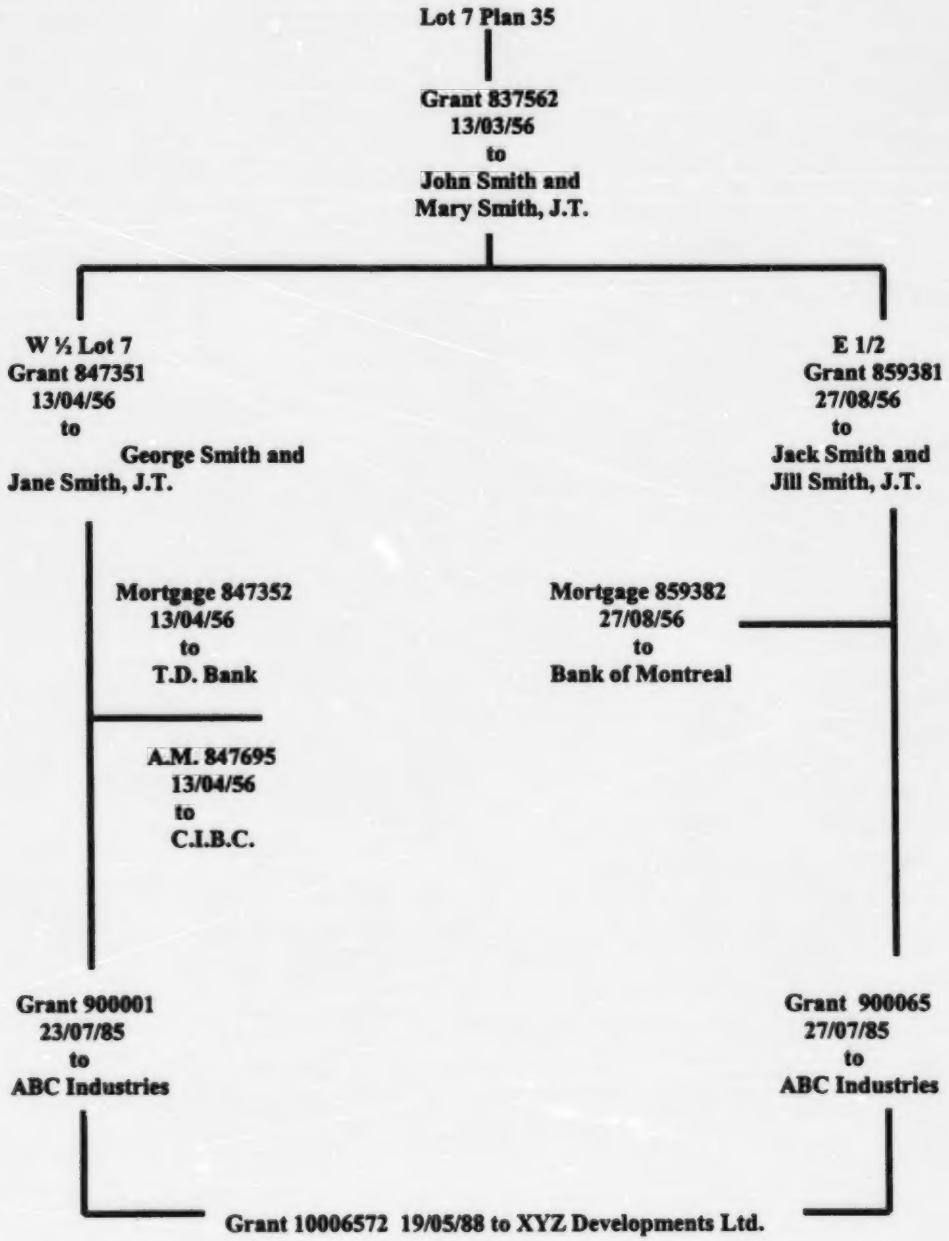
APPENDIX D - TITLE TREE



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APPENDIX E - FORMS

Form 1

Land Titles Act

APPLICATION FOR FIRST REGISTRATION

To: The Land Registrar for the Land Titles Division of:

.....

.....

(name of applicant)

(herein called "the applicant") hereby applies (apply) to be registered (or where applicable, to have ..... registered) as the owner(s) in fee simple with an absolute title (or, as the case may be) to the land (or leasehold land) described as follows:

Description of land

.....

.....

(set out registrable description of the land)

.....

.....

Dated ..... this ..... day of ....., 19 .... .

.....

(Signature of applicant or solicitor)

Address of the applicant (for service):

.....

.....

Name and address of applicant's solicitor:

.....

.....

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Form 2

Land Titles Act

NOTICE OF APPLICATION FOR FIRST REGISTRATION

Re: Application registered as No. .....

TAKE NOTICE THAT ..... has (have) made an application to be registered under the *Land Titles Act* (or, where applicable, to have ..... registered) as the owner(s) in fee simple with an absolute title (or, as the case may be) to certain land (or leasehold land) described as follows:

.....

.....

AND TAKE NOTICE THAT any person claiming to have any title to or interest in the said land or any part thereof (other than an interest protected by registration) is required on or before ....., (which is thirty days from the date this notice was served) to file a statement of objection, setting out the grounds for such objection, verified by affidavit, directed to the land registrar at the address of the solicitor at the following address:

.....

This notice is served upon you because you appear to have an interest in land that: (Check one)

- touches the limits of the land included in the application; or
- is included in the application

DATED at .....,
on the ..... day of ....., 19..... .

.....
(Signature of solicitor for the applicant and name in print)

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Form 3

Land Titles Act

CONSENT AND WAIVER OF NOTICE
(Application for First Registration)

Re: Application registered as No. .....

I, ..., being a person entitled to notice of application for first registration under the

Land Titles Act for land shown as PART(S) ..... on the attached print of a draft reference plan hereby consent to the application made by (name of applicant) to be registered (or, where applicable, to have ..... registered) as the owner(s) of the land shown on the said plan as PART(S) .....

And I hereby waive my right to a Notice of that Application.

Dated at ..... this ..... day of ....., 19..... .

....
(Witness) (Signature)

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Form 4

Land Titles Act

AFFIDAVIT OF APPLICANT
(Application for First Registration)
Re: Application registered as No. .....

IN THE MATTER OF (insert a brief description of the subject land)

.....

I, ... , of ..... make oath and say that:

1. I am the applicant (or one of the applicants, or the solicitor for or one of the officers of the corporate applicant, or one of the corporate applicants and have the authority to bind the corporation in such matters) and as such have personal knowledge of the matters set out in this affidavit.

2. Attached hereto and marked as Exhibit "A" to this affidavit is a paper print of the draft reference plan filed with my/our application on which designated as Part(s) ..... (insert Part number(s)) is shown the land that is the subject of my/our application for first registration under the *Land Titles Act*. I hereby confirm that the lands to which I claim ownership and the lands over which I claim easements or rights of way, or to which my title is subject are correctly included in the application and are correctly illustrated on the attached draft reference plan.

   and

   (in the case of an application for the registration of land patented by the Government of Canada if it is not registered under the *Land Titles Act* or *Registry Act*)

   Attached hereto and marked as Exhibit "B" to this affidavit is an original (or certified copy) of the Government of Canada Patent. Attached hereto and marked as Exhibit "C" to this affidavit is a copy of the plan of survey referred to in the Government of Canada Patent.

3. To the best of my knowledge, information and belief, there is no registered or unregistered lease, mortgage, lien or other encumbrance affecting the title to the land (except, specify every lease, mortgage, lien or other encumbrance).

4. I am not aware of any person having any claim to or interest in the land or any part thereof adverse to or inconsistent with my/our (or as the case may be) claim (except, specify every adverse claim or interest).

5. I am (or, as the case may be) in actual occupation of the land (or state whether a tenant or other person is in occupation and, if the tenancy is under an unregistered lease or other instrument, produce it, or, if no person is in actual occupation, so state).

6. (Where the claim of the applicant is based on length of possession or use, give full details of such claim).

Sworn before me at the ..... of.....)
in the .....of .....)
this ..... day of ....., 19..)

.....
A Commissioner, etc.

.....
(Signature and name in print)

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Form 5

Land Titles Act

CERTIFICATE OF SOLICITOR

(Application for First Registration)
(Title to Subject Land)

Re: Application registered as No.....

I CERTIFY THAT I have investigated the title of the applicant(s) ..... and it is my opinion that the applicant(s) (or, where applicable, ...) is (are) entitled to be registered under the *Land Titles Act* as the owner(s) in fee simple with an absolute (or a possessory, qualified or leasehold) title of ..... being the land described in the application.

I FURTHER CERTIFY THAT the land is patented land and is subject only to the following exceptions, limitations, qualifications and encumbrances:

.....

AND SUBJECT only to the following defects, claims, interests, or omissions which may adversely affect the title of the applicant:

.....

AND I FURTHER CERTIFY THAT I have conferred with the said applicant(s) on the matters set forth in the affidavit(s) of the applicant(s) filed in support of the application, and I believe that the statements of the applicant(s) as set out in the affidavit(s) are true.

AND I FURTHER CERTIFY THAT the typewritten abstracts of title and the typewritten statement with respect to all adjoining land, submitted in support of the application, were prepared in accordance with good conveyancing practice and disclose all outstanding registered interests affecting the lands described in the application up to and including the ..... day of ..... , 19..... .

AND I FURTHER CERTIFY THAT I have investigated the title of all adjoining land for the purpose of ascertaining whether the subject land and any part of the adjoining land were held in common ownership since the 15th day of June, 1967, and in my opinion there has been no contravention of the subdivision and part lot control provisions of the *Planning Act*, since that date which would adversely affect the title claimed by the applicant(s).

Dated .....

.....
(Signature of solicitor and name in print)

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Form 6

Land Titles Act

CERTIFICATE OF SURVEYOR
(Application for First Registration)
Re: Application registered as No. .....

IN THE MATTER of an application by ..... to be registered (or, where applicable, to have ..... registered) under the *Land Titles Act* as the first registered owner(s)of .....

I, ..., an Ontario Land Surveyor, completed the survey for the plan (a print of which is attached hereto) of the subject land on ..... and certify as follows:

1. The survey for the plan is current as of the date of this application, and shows only the subject land.

2. I have examined the Crown patent submitted with the application and the subject land is contained therein.

3. At the time of making the survey, I examined the land and I have illustrated with appropriate ties the existence of all apparent interests in the subject land including, but not limited to,
   (a) all topographic information,
      (i) that forms, controls or marks the position of the boundaries of the subject land, or
      (ii) which indicates an encroachment from the subject land onto the adjoining lands, or from the adjoining lands to the subject land; including, but not limited to,
         (A) where apparent, all registered (and unregistered) utility lines, (overhead and buried) and any other interest affecting the land of the applicant,
         (B) all buildings, eaves and other structures, gardens, lawns, ditches, driveways, sidewalks, paths and other improvements located in the vicinity of the boundaries of the subject land, and
         (C) all fences in the vicinity of the boundaries of the subject land, identified as to type and indicating age, if known;
   (b) all found monumentation, conflicting or otherwise; and
   (c) all bodies of water, streams, rivers and water courses, and that the boundaries of those bodies of water, streams, rivers and water courses that form or control the extent of, or an interest in, the subject land have been re-established consistent with the grant from the Crown.

4. As a result of my examination, I found no evidence that would indicate that any person other than the applicant(s) has any right in any part of the land, except (specify).

5. ..... (and) ..... was/were in actual occupation of the land.

6. All monumentation was in place, and their position marked, on the date of application.

Dated.....

.....
(Signature and name in print of Ontario Land Surveyor who completed the survey of the plan)

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Form 7

Land Titles Act

CERTIFICATE OF SOLICITOR
(Application for First Registration)
(Service of Notice of Application)
Re: Application registered as No. .....

This is to certify that:

1. I am the solicitor for the applicant ..... in respect of an application for a first registration under the *Land Titles Act* to ..... .
2. The notice of application for the aforementioned application was registered in the Land Registry Office for the Registry Division of .....(No. ....) on .....as .....
3. On the ..... day of ....., 19....., the notice of application together with a print of the draft reference plan was served by registered mail or by personal service on all persons entitled thereto, more specifically, on,

   (a) every owner of a registered right of way or other easement in the subject land;

   (b) every person who has deposited a declaration of possession affecting the title to the subject land, except persons who have conveyed or otherwise assigned all their interest in the subject land to the present registered owner of it or the adjoining land or their predecessors in title;

   (c) every registered owner of the subject land, if any part of the applicant's claim of title to the land is based on length of adverse possession or use;

   (d) every person who could claim an encroachment over the subject land or an unregistered right of way or other easement in the subject land according to the draft reference plan;

   (e) if the adjoining land is not a condominium property, every owner of adjoining land, every mortgagee or chargee in possession of adjoining land according to the records of the land registry office for title to the adjoining land and every owner of a registered right of way or other easement that touches the limits of the subject land;

   (f) if the adjoining land is part of the common elements of a condominium property, the condominium corporation and every owner of a registered right of way or other easement touching the limits of the subject land;

   (g) if the adjoining land is a unit in a condominium property, every owner of the unit and every mortgagee or chargee in possession of the unit according to the records of the land registry office for title to the unit and every owner of a registered right of way or other easement in the unit touching the limits of the subject land;

Continued:

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(h) every ministry, board, commission or agency of the Government of Ontario or the Government of Canada, including Ontario Hydro and every municipality, including a metropolitan, regional and district municipality and the County of Oxford, if the ministry, board, commission, agency or municipality has an unregistered interest in the adjoining land;

(i) every person who has registered a caution under subsection 43(1) of the Act; and

(j) every other person whom the Director has directed.

4. The notice of application, together with a print of the draft reference plan, was not served on those persons who have executed consents and waiver of notice in Form 3, which are enclosed.

5. Attached hereto are proof of service to all interested parties, original consents and waiver of notice in Form 3, if any, and a print of the draft reference plan, marking thereon in ink the names of all persons whose consent and waiver of notice was obtained in Form 3, and the names of all persons who were served with a notice of application, the location of their respective properties and their interests.

6. Thirty days for filing of statements of objection have expired and no statement of objection in respect of the application has been received.

or

Thirty days for filing of statements of objection have expired and the statements of objection, if any were filed, have been resolved (or not resolved) and withdrawn in writing. Attached hereto are the original statements of objection, along with all supporting documents, to the aforementioned application.

7. There is no statement of objection outstanding in connection with the aforementioned application, and the applicant is entitled to be granted the application for first registration under the *Land Titles Act*. I have enclosed a report that explains how the statements of objection, if any were received, were resolved or withdrawn by the parties filing them.

or

The statements of objection which were received to the aforementioned application could not be resolved, and the applicant requests a hearing to determine the application.

Dated .....

.....

(Signature of solicitor and name in print)

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Form 8

Land Titles Act

CERTIFICATE OF FIRST REGISTRATION AS OWNER
(Subsection 52(1) of the Act)

THIS IS TO CERTIFY THAT, as of the time of registration of this certificate

.....

(names)

.....

was (were) registered under the *Land Titles Act* as the owner(s) of (identify land)

.....

.....

AND THAT the said land is registered in the Land Registry Office for the Land Titles Division of ..... as Parcel ..... in the Register for ..... .

IN WITNESS WHEREOF I have hereunto subscribed my name this .....day of ....., 19..... .

.....

Land Registrar

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Form 1

Certification of Titles Act

APPLICATION FOR CERTIFICATE OF TITLE

To: The Director of Land Registration:

.....

.....

(name of applicant)

(herein called "the applicant") hereby applies (apply) to have the title to the land described below certified in the name of the applicant under the *Certification of Titles Act*.

Description of land

.....

.....

(set out full legal description of the land)

.....

.....

.....

Dated ..... this ..... day of ....., 19 .... .

.....

(Signature of applicant or solicitor)

Address of the applicant (for service):

.....

.....

Name and address of applicant's solicitor:

.....

.....

.....

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Form 2

Certification of Titles Act

NOTICE OF APPLICATION
(Subsection 5(1) of the Act)

Re: Application registered as No. .....

TAKE NOTICE THAT ..... has (have) made an application for a certificate of title of certain land in the ..... of ....., described as follows:

.....

.....

AND TAKE NOTICE THAT any person claiming to have any title to or interest in the said land or any part thereof (other than an interest protected by registration) is required on or before ..... , (which is 30 days from the date this notice was served) to file a statement of claim, setting out the grounds for such claim, verified by affidavit, directed to the Director of Land Registration at the address of the solicitor at the following address:

.....

This notice is served upon you because you appear to have an interest in land that: (check one)

- touches the limits of the land included in the application; or
- is included in the application

DATED at .....,
on the ..... day of ....., 19..... .

.....
(Signature of solicitor for the applicant and name in print)

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Form 3

Certification of Titles Act

CONSENT AND WAIVER OF NOTICE

Re: Application registered as No. .....

I, ..., being a person entitled to notice of application for a certificate of title under the *Certification of Titles Act* for land shown as PART(S) ..... on the attached print of a draft reference plan hereby consent to the application made by (name of applicant) for a certificate of title under the *Certification of Titles Act* of the land shown on the said plan as PART(S) ..... .

And I hereby waive my right to a Notice of that Application.

Dated at ..... this ..... day of ....., 19..... .

....

(Witness) (Signature)

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Form 4

Certification of Titles Act

AFFIDAVIT OF APPLICANT

Re: Application registered as No. .....

IN THE MATTER OF (insert a brief description of the subject land)

.....

I, ..., of ..... make oath and say that:

1. I am the applicant (or one of the applicants, or the solicitor for or one of the officers of the corporate applicant, or one of the corporate applicants and have the authority to bind the corporation in such matters) and as such have personal knowledge of the matters set out in this affidavit.

2. Attached hereto and marked as Exhibit "A" to this affidavit is a paper print of the draft reference plan filed with my/our application on which designated as Part(s) ..... (insert Part number(s)) is shown the land that is the subject of my/our application for a certificate of title under the *Certification of Titles Act*. I hereby confirm that the lands to which I claim ownership and the lands over which I claim easements or rights of way, or to which my title is subject are correctly included in the application and are correctly illustrated on the attached draft reference plan.

3. To the best of my knowledge, information and belief, there is no registered or unregistered lease, mortgage, lien or other encumbrance affecting the title to the land (except, specify every lease, mortgage, lien or other encumbrance).

4. I am not aware of any person having any claim to or interest in the land or any part thereof adverse to or inconsistent with my/our (or as the case may be) claim (except, specify every adverse claim or interest).

5. I am (or as the case may be) in actual occupation of the land (or state whether a tenant or other person is in occupation and, if the tenancy is under an unregistered lease or other instrument, produce it, or, if no person is in actual occupation, so state).

6. (Where the claim of the applicant is based on length of possession or use, give full details of such claim).

Sworn before me)
at the ..... of.....)
in the .....of .....)
this ..... day of .....,)
19 ..... .

.....
(Signature and name in print)

.....
A Commissioner, etc.

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Form 5

Certification of Titles Act

CERTIFICATE OF SOLICITOR
(Title to Subject Land)

Re: Application registered as No.....

I CERTIFY THAT I have investigated the title of the applicant(s) ..... and it is my opinion that the applicant(s) is (are) entitled as of ..... on ....., 19..... to be certified under the *Certification of Titles Act* as the owner(s) in fee simple with an absolute title of ..... being the land described in the application.

I FURTHER CERTIFY THAT the land is patented land and is subject only to the following exceptions, limitations, qualifications and encumbrances:

.....

AND SUBJECT only to the following defects, claims, interests, or omissions which may adversely affect the title of the applicant:

.....

AND I FURTHER CERTIFY THAT I have conferred with the said applicant(s) on the matters set forth in the affidavit(s) of the applicant(s) filed in support of the application, and I believe that the statements of the applicant(s) as set out in the affidavit(s) are true.

AND I FURTHER CERTIFY THAT the typewritten abstracts of title and the typewritten statements with respect to all adjoining land, submitted in support of the application, were prepared in accordance with good conveyancing practice and disclose all outstanding registered interests affecting the lands described in the application up to and including the ..... day of ..... , 19..... .

AND I FURTHER CERTIFY THAT I have investigated the title of all adjoining land for the purpose of ascertaining whether the subject land and any part of the adjoining land were held in common ownership since the 15th day of June, 1967, and in my opinion there has been no contravention of the subdivision and part lot control provisions of the *Planning Act*, since that date which would adversely affect the title claimed by the applicant(s).

Dated .....

.....
(Signature of solicitor and name in print)

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Form 6

Certification of Titles Act

CERTIFICATE OF SURVEYOR

Re: Application registered as No. .....

IN THE MATTER of an application by ..... for a certificate of title under the *Certification of Titles Act* to ..... .

I, ..., an Ontario Land Surveyor, completed the survey for the plan (a print of which is attached hereto) of the subject land on ..... and certify as follows:

1. The survey for the plan is current as of the date of this application, and shows only the subject land.

2. I have examined the Crown patent submitted with the application and the subject land is contained therein.

3. At the time of making the survey, I examined the land and I have illustrated with appropriate ties the existence of all apparent interests in the subject land including, but not limited to,

   (a) all topographic information,

      (i) that forms, controls or marks the position of the boundaries of the subject land, or

      (ii) which indicates an encroachment from the subject land onto the adjoining lands, or from the adjoining lands to the subject land; including, but not limited to,
         A. where apparent, all registered (and unregistered) utility lines, (overhead and buried) and any other interest affecting the land of the applicant,
         B. all buildings, eaves and other structures, gardens, lawns, ditches, driveways, sidewalks, paths and other improvements located in the vicinity of the boundaries of the subject land, and
         C. all fences in the vicinity of the boundaries of the subject land, identified as to type and indicating age, if known;

   (b) all found monumentation, conflicting or otherwise; and

   (c) all bodies of water, streams, rivers and water courses, and that the boundaries of those bodies of water, streams, rivers and water courses that form or control the extent of, or an interest in, the subject land have been re-established consistent with the grant from the Crown.

4. As a result of my examination, I found no evidence that would indicate that any person other than the applicant(s) has any right in any part of the land, except (specify).

5. ..... (and) ..... was/were in actual occupation of the land.

6. All monumentation was in place, and their position marked, on the date of application.

Dated .....

.....

(Signature and name in print of Ontario Land Surveyor who completed the survey of the plan)

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Form 7

Certification of Titles Act

CERTIFICATE OF SOLICITOR

(Service of Notice of Application)

Re: Application registered as No. .....

This is to certify that:

1. I am the solicitor for the applicant ..... in respect of an application for a certificate of title under the *Certification Titles Act* to ..... .

2. The notice of application for the aforementioned application was registered in the Land Registry Office for the Registry Division of ..... (No. .....) on ..... as ..... .

3. On the ..... day of ....., 19....., the notice of application together with a print of the draft reference plan was served by registered mail or by personal service on all persons entitled thereto, as required by subsection 5(1) of the Act, more specifically, on,
   (a) every owner of a registered right of way or other easement in the subject land;
   (b) every person who has deposited a declaration of possession affecting the title to the subject land, except persons who have conveyed or otherwise assigned all their interest in the subject land to the present registered owner of it or the adjoining land or their predecessors in title;
   (c) every registered owner of the subject land, if any part of the applicant's claim of title to the land is based on length of adverse possession or use;
   (d) every person who could claim an encroachment over the subject land or an unregistered right of way or other easement in the subject land according to the draft reference plan;
   (e) if the adjoining land is not a condominium property, every owner of adjoining land, every mortgagee or chargee in possession of adjoining land according to the records of the land registry office for title to the adjoining land and every owner of a registered right of way or other easement that touches the limits of the subject land;
   (f) if the adjoining land is part of the common elements of a condominium property, the condominium corporation and every owner of a registered right of way or other easement touching the limits of the subject land;
   (g) if the adjoining land is a unit in a condominium property, every owner of the unit and every mortgagee or chargee in possession of the unit according to the records of the land registry office for title to the unit and every owner of a registered right of way or other easement in the unit touching the limits of the subject land;
   (h) every ministry, board, commission or agency of the Government of Ontario or the Government of Canada, including Ontario Hydro and every municipality, including a metropolitan, regional and district municipality and the County of Oxford, if the ministry, board, commission, agency or municipality has an unregistered interest in the adjoining land; and
   (i) every other person whom the Director has directed

Continued:

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4. The notice of application, together with a print of the draft reference plan, was not served on those persons who have executed consents and waiver of notice in Form 3, which are enclosed.

5. Attached hereto are proof of service to all interested parties, original consents and waiver of notice in Form 3, if any, and a print of the draft reference plan, marking thereon in ink the names of all persons whose consent and waiver of notice was obtained in Form 3, and the names of all persons who were served with a notice of application, the location of their respective properties and their interests.

6. Thirty days for filing of statements of claim have expired and no statement of claim in respect of the application has been received.

or

Thirty days for filing of statements of claim have expired and the statements of claim, if any were filed, have been resolved (or not resolved) and withdrawn in writing. Attached hereto are the original statements of claim, along with all supporting documents, to the aforementioned application.

7. There is no statement of claim outstanding in connection with the aforementioned application, and the applicant is entitled to be granted the application for a certificate of title under the *Certification of Titles Act*. I have enclosed a report that explains how the statements of claim, if any were received, were resolved or withdrawn by the parties filing them.

or

The statements of claim which were received to the aforementioned application could not be resolved, and the applicant requests a hearing to determine the application.

Dated .....

.....

(Signature of solicitor and name in print)

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Form 8

Certification of Titles Act

CERTIFICATE OF TITLE
(Issued under Section 9 of the Act)

THIS IS TO CERTIFY THAT ..... at .....o'clock in the ..... Noon of the ..... day of ..... in the year ..... . was (were) absolutely and indefeasibly entitled in fee simple to that certain parcel or tract of land situated in the ..... in the Province of Ontario and being composed of ..... more particularly described in SCHEDULE A hereto.

SUBJECT ONLY to the exceptions, limitations, qualifications and restrictions set out in SCHEDULE B hereto.

AND TO the conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances set out in SCHEDULE C hereto.

Dated at ..... this ..... day of ....., 19..... .

.....
Director of Land Registration

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APPENDIX F – ABSTRACT FORMAT

The Solicitor's Abstracts for the applicant's lands, appurtenant easements and rights of way and the adjoining lands must contain the following information with respect to each document registered or deposited. This format was formerly set out as Form 3 of Regulation 995 under the *Registry Act*.

Registration Number	Instrument	Registration Date	Grantor	Grantee	Consideration	Land and Remarks

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QUESTIONS AND ANSWERS

Question 1:
Do I need a new survey, if there is one deposited on title that shows the applicants lands?

Answer:
Yes, because you require a Surveyor's Certificate and the requirements differ as to the illustration of possible encroachments in the vicinity of the boundaries of the subject land.

Question 2:
Can I include several parcels with different owners in one application?

Answer:
No, each owner must bring a separate application.

Question 3:
Can I use one plan to bring separate applications from the different owners of contiguous parcels?

Answer:
No, the regulations require a draft reference plan that shows only the lands included in the application and its appurtenant rights.

Question 4:
Can I use one reference plan and one application to apply for several non-contiguous parcels that are held in the same title?

Answer:
Yes, so long as the ownership of all parcels is the same, and they can be conveniently illustrated on the same plan, they may be dealt with in this manner. However, if an objection is filed against one parcel, the others may not precede until the objection is resolved. Sometimes it is more expedient to make separate applications for non-contiguous parcels.

Question 5:
If the lands under application are too large to be illustrated on one reference plan or if there are non-contiguous parcels that cannot be conveniently illustrated on one plan, can more than one reference plan be used.

Answer:
Yes. Care must be taken with the notice to describe the several plans attached. The same comments about objections apply from the previous question.

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Question 6:
Do I have to register both the Application and the Notice of Application?

Answer:
Yes, the regulation requires registration of both the Application and the Notice of Application, which must refer to the registration number of the Application.

Question 7:
Does the Notice have to be registered before notice is served on interested parties?

Answer:
Yes, the draft Reference Plan must be finalized and the Notice registered to show anyone searching our records, the intention of the applicant to change the quality of the title.

Question 8:
Do I have to serve the Mortgagees/Chargees of the applicant's or adjoining lands?

Answer:
You do not serve the applicants's Mortgagees/Chargees and you do not have to search for or serve any mortgagee/charge of adjoining lands **unless:**
There is some evidence on the title i.e. deposit of sale papers **or** on the ground as reported by the surveyor, that the mortgagee/chargee has taken possession of the adjoining lands **or** you are claiming part of the lands described in the registered mortgage or charge by your right of possession or prescription.

Question 9:
For automated records, do I have to include all appurtenant and servient rights to my lands, in my application and survey, even though they have already been noted in the descriptions of the lands in both mine and the other automated parcels/PINs?

Answer:
If you wish to have the appurtenant rights appear on your new automated parcel/PIN they must be included in the application, their limits must be defined and any interested parties in those lands must be served with the application. If you do not wish to apply for any registered appurtenant interests, it is preferable that you register an **abandonment, release or quit claim** of those rights prior to your application and survey so that there is a complete and clear chain of title for all of the subject lands.

Question 10:
Can I effect service of the Notice by a courier?

Answer:
Yes, but only if the courier is prepared to sign an Affidavit of Service.

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Question 11:

Should I recite all defects, claims or omissions I find in my search of the registered documents, if, in my opinion, they do not affect the title?

Answer:

If the search of title uncovers any apparent defects, they must be addressed and cleared before completion of the application. If, in your opinion, they do not affect the title they should be shown in the search notes along with your reasoning for their non-relevance. Do not include them in your Solicitor's Certificate (**Form 5**) if you have determined that they do **not** represent a defect, claim, interest or omission on the applicant's title.

Question 12:

What is required when changes are made to the draft Reference Plan after registration?

Answer:

If the Land Registrar considers the changes substantive then all or any of the following may be required: 1. Registration of an Amended Application; 2. Registration and service of an Amended Notice of Application; 3. Updated Affidavit and Certificates.

Question 13:

How do I handle any Notices returned by the Post Office as undelivered?

Answer:

If the reason for the return is "moved, address unknown or no such address", a subsearch must be undertaken to ensure that the proper address was used and that the parties still have the registered interest, have not registered a change of address or that a more up to date address does not now appear on title. If none of these things have transpired, you must satisfy the Land Registrar that service was attempted, in accordance with the *Land Titles Act*. If the service was to a party being dispossessed of any registered right or title, an alternative form of notice, such as by publication, will have to be given.

Question 14:

If the proposed plan is changed to satisfy an objection, do I have to prepare a new application, notice, certificates, etc.?

Answer:

No, not if the change relates to a disputed boundary and is minor in nature. Any interested party to the altered boundary will have to sign a Consent & Waiver, with the amended plan attached or they will have to be re-served with an Amended Notice. If the date of completion of the survey changes, a new Surveyor's Certificate must be submitted.

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Question 15:

If a property only touches my lands at a corner or a single point, do I have to treat that as an adjoiner?

Answer:

Yes, the regulation clearly requires service when property touch at a point. This definition is **not** the same as that applied under the *Planning Act*.

Question 16:

Which government ministry, board, commission or agency should I notify regarding unregistered interests in adjoining lands?

Answer:

The draft plan will provide a clue to which, if any, of these parties require service because of an unregistered interest. If a road adjoins, you must serve the proper road authority having jurisdiction for it. If a navigable waterway adjoins, you must serve the Ministry of Natural Resources and Canada Coast Guard. If the adjoining lands are held in the name of the Government of Canada or Ontario, you must determine locally which ministry etc. has jurisdiction over the land and serve it. If the plan shows transmission lines you must determine whether they are Ontario Hydro successors' or that of a local hydroelectric commission or municipal power distributor and serve the appropriate authority.

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INQUIRIES

For assistance or inquiries, please contact the local Land Registry Office or a Regional Surveyor at the following locations:

Location	Address	Phone	Fax
Central East Region			
Denis Blais Regional Surveyor	300 Water Street, South Tower, P.O. Box 7000, PETERBOROUGH, Ont., K9M 8M5	(705) 755-1321	(705) 755-1343
Central West Region			
Tom Glassford Regional Surveyor	200 Frederick Street, 3rd Floor, KITCHENER, Ont., N2H 6N9	(519) 571-6070 Ext. 253	(519) 571-6073
Eastern Region			
Jack Keat Regional Surveyor	51 Heakes Lane, KINGSTON, Ont., K7M 9B1	(613) 531-5597	(613) 531-5598
Northern Region			
Anne Cole Regional Surveyor	199 Larch Street, Suite 302, SUDBURY, Ont., P3E 5P9	(705) 564-3385	(705) 564-4354
Southwest Region			
Peter Moreton Regional Surveyor	Court House, 80 Dundas St., Unit "J" LONDON, Ont., N6A 6A7	(519) 675-7615	(519) 675-7771
Head Office			
Bill Snell Regional Surveyor	393 University Ave., 3rd Floor TORONTO, Ont., M5G 1E6	(416) 314-4889	(416) 314-4878

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